

JOE WARDY
MAYOR



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
MAY 4, 2004
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Pro Tempore Anthony W. Cobos present and presiding and the following Council Members answered roll call: Robert A. Cushing, Jr., Jose Alexandro Lozano, John F. Cook, Daniel S. Power, and Vivian Rojas. Absent: Mayor Joe Wardy. Late arrivals: Susan Austin at 9:06 and Paul J. Escobar at 9:20. Meeting was called to order at 9:04 a.m. and the invocation was given by Police Chaplain Carlos Flores, followed by the Pledge of Allegiance to the Flag of the United States of America.

*Motion made, seconded and unanimously carried to delete the discussion and action on the creation of a standalone non-profit Economic Development Corporation. [Lisa Turner]

MAYOR'S PROCLAMATIONS

1. ***Share the Vision World Peace and Captain James Lovell***
2. ***El Paso Arbor Week***
3. ***Infant Immunization Awareness Week***

Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to recess City Council Meeting to discuss the Special Mass Transit Board Meeting at 9:20 a.m.

Motion made by Representative Cushing, seconded by Representative Cook and unanimously carried to reconvene the City Council Meeting from the Special Mass Transit Board Meeting at 9:24 a.m.

Motion made by Representative Escobar, seconded by Representative Cook and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.

(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

Motion made by Representative Cushing, seconded by Representative Rojas and unanimously carried to reconsider the Consent Agenda.

Motion made by Representative Austin, seconded by Representative Power and unanimously carried to approve the Consent Agenda as revised, to include Bid No. 2004-125, Airport Marketing & Advertising Services.

*Motion made, seconded and unanimously carried to approve the Minutes for Regular City Council Meeting of April 27, 2004, corrected Minutes of April 13, 2004, and Special City Council Meeting of April 27, 2004.

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*Motion made, seconded and unanimously carried to excuse Mayor Joe Wardy from the Regular Council Meeting of May 4, 2004.
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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a grant application, in the amount of \$75,000 on behalf of the Arts and Culture Department, for submission to the Brown Foundation, Inc., and to sign the related contracts and documents should funds be granted, either in the requested amount or at such lesser amount as may be approved by the Brown Foundation, Inc. This grant will be used to develop a Master Plan for the City of El Paso's 2% for the Public Art Program for FY 2004-05.

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Motion made, seconded and unanimously carried to move to the regular agenda the Resolution that the Mayor be authorized to sign a Developer Agreement between Colony Partners L.P. and the City of El Paso for the construction of certain improvements to Bear Ridge Drive and the abutting drainage channel in the vicinity of a certain 20 acre parcel contemplated for use as a City park. This developer agreement is made pursuant to Section 212.071 and 212.072 of the Texas Local Government Code as well as the City of El Paso Municipal Code.

See the following item for discussion.

1st Motion:

Motion made by Representative Austin, seconded by Representative Power and unanimously carried to postpone one (1) week the Resolution that the Mayor be authorized to sign a Developer Agreement between Colony Partners L.P. and the City of El Paso for the construction of certain improvements to Bear Ridge Drive and the abutting drainage channel in the vicinity of a certain 20 acre parcel contemplated for use as a City park. This developer agreement is made pursuant to Section 212.071 and 212.072 of the Texas Local Government Code as well as the City of El Paso Municipal Code.

2nd Motion:

Motion made by Representative Power, seconded by Representative Cushing and unanimously carried to reconsider the above resolution.

3rd Motion:

Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to postpone two (2) weeks the Resolution that the Mayor be authorized to sign a Developer Agreement between Colony Partners L.P. and the City of El Paso for the construction of certain improvements to Bear Ridge Drive and the abutting drainage channel in the vicinity of a certain 20 acre parcel contemplated for use as a City park. This developer agreement is made pursuant to Section 212.071 and 212.072 of the Texas Local Government Code as well as the City of El Paso Municipal Code.

NOTE: The following three items were all discussed together:

- 1) Resolution that the Mayor be authorized to sign a Developer Agreement between Colony Partners L.P. and the City of El Paso for the construction of certain improvements to Bear Ridge Drive and the abutting drainage channel in the vicinity of a certain 20 acre parcel contemplated for use as a City park. This developer agreement is made pursuant to Section 212.071 and 212.072 of the Texas Local Government Code as well as the City of El Paso Municipal Code;

- 2) Resolution that the Mayor be authorized to sign a Developer Agreement between Colony Partners L.P. and the City of El Paso for the construction of certain improvements to Bear Ridge Drive and the abutting drainage channel in the vicinity of a certain 20 acre parcel contemplated for use as a City park. This developer agreement is made pursuant to Section 212.071 and 212.072 of the Texas Local Government Code as well as the City of El Paso Municipal Code; and
- 3) Budget Transfer BT2004-645 Building and Planning Services.

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Motion made, seconded and unanimously carried to move to the regular agenda the Resolution that the Mayor be authorized to sign a Joint Resolution between the El Paso Water Utilities-Public Service Board and the City of El Paso authorizing (1) the transfer of a 20-acre tract of land in H.G. Foster Survey No. 262, City of El Paso, El Paso County, Texas, from the jurisdiction of the El Paso Water Utilities-Public Service Board to the City of El Paso for use as a public park; (2) that the City of El Paso shall pay the El Paso Water Utilities-Public Service Board a total sum of \$120,000 as consideration for the 20-acre land transfer; and (3) that the El Paso Water Utilities-Public Service Board shall accept reimbursement through deductions due the City from the proceeds derived from future El Paso Water Utilities-Public Service Board land sales in the amount of \$120,000 to cover the land transfer.

1st Motion:

Motion made by Representative Cook, seconded by Representative Cobos and carried to approve the amended Resolution that the Mayor be authorized to sign a Joint Resolution between the El Paso Water Utilities-Public Service Board and the City of El Paso authorizing (1) the transfer of a 20-acre tract of land in H.G. Foster Survey No. 262, City of El Paso, El Paso County, Texas, from the jurisdiction of the El Paso Water Utilities-Public Service Board to the City of El Paso for use as a public park; (2) that the City of El Paso shall pay the El Paso Water Utilities-Public Service Board an amount up to the sum of \$120,000 as consideration for the 20-acre land transfer, subject to the approval of the Public Service Board; and (3) that the El Paso Water Utilities-Public Service Board shall accept reimbursement through deductions due the City from the proceeds derived from future El Paso Water Utilities-Public Service Board land sales in the amount of \$120,000 to cover the land transfer.

AYES: Representatives Cook, Escobar and Cobos

NAYS: Representatives Austin, Cushing, Lozano, Power and Rojas

Motion to approve FAILED.

2nd Motion

Motion made by Representative Cook, seconded by Representative Cobos and carried to postpone one (1) week the Resolution that the Mayor be authorized to sign a Joint Resolution between the El Paso Water Utilities-Public Service Board and the City of El Paso authorizing (1) the transfer of a 20-acre tract of land in H.G. Foster Survey No. 262, City of El Paso, El Paso County, Texas, from the jurisdiction of the El Paso Water Utilities-Public Service Board to the City of El Paso for use as a public park; (2) that the City of El Paso shall pay the El Paso Water Utilities-Public Service Board a total sum of \$120,000 as consideration for the 20-acre land transfer; and (3) that the El Paso Water Utilities-Public Service Board shall accept reimbursement through deductions due the City from the proceeds derived from future El Paso Water Utilities-Public Service Board land sales in the amount of \$120,000 to cover the land transfer.

AYES: Representatives Lozano, Cook, Escobar, Rojas and Cobos

NAYS: Representatives Austin, Cushing and Power

3rd Motion:

Motion made by Representative Power, seconded by Representative Cushing and unanimously carried to reconsider the above resolution.

4th Motion:

Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to postpone two (2) weeks the Resolution that the Mayor be authorized to sign a Joint Resolution between the El Paso Water Utilities-Public Service Board and the City of El Paso authorizing (1) the transfer of a 20-acre tract of land in H.G. Foster Survey No. 262, City of El Paso, El Paso County, Texas, from the jurisdiction of the El Paso Water Utilities-Public Service Board to the City of El Paso for use as a public park; (2) that the City of El Paso shall pay the El Paso Water Utilities-Public Service Board a total sum of \$120,000 as consideration for the 20-acre land transfer; and (3) that the El Paso Water Utilities-Public Service Board shall accept reimbursement through deductions due the City from the proceeds derived from future El Paso Water Utilities-Public Service Board land sales in the amount of \$120,000 to cover the land transfer.

NOTE: The following three items were all discussed together:

- 1) Resolution that the Mayor be authorized to sign a Developer Agreement between Colony Partners L.P. and the City of El Paso for the construction of certain improvements to Bear Ridge Drive and the abutting drainage channel in the vicinity of a certain 20 acre parcel contemplated for use as a City park. This developer agreement is made pursuant to Section 212.071 and 212.072 of the Texas Local Government Code as well as the City of El Paso Municipal Code;
- 2) Resolution that the Mayor be authorized to sign a Developer Agreement between Colony Partners L.P. and the City of El Paso for the construction of certain improvements to Bear Ridge Drive and the abutting drainage channel in the vicinity of a certain 20 acre parcel contemplated for use as a City park. This developer agreement is made pursuant to Section 212.071 and 212.072 of the Texas Local Government Code as well as the City of El Paso Municipal Code; and
- 3) Budget Transfer BT2004-645 Building and Planning Services.

Representative Cook moved to amend the dollar amount to \$12,000.00 for the Resolution and BT2004-645 Building and Planning Services. He noted that as per the 1965 Agreement, the property could have been purchased for \$1,200.00.

Representative Austin explained that the \$120,000 was for development costs relative to the issue not the purchase price of the land.

Ms. Terri Cullen-Garney, Deputy City Attorney, explained the language pertaining to the two Resolutions.

Representative Cook amended his motion to only reflect the \$12,000 amendment pertain to the Resolution authorizing the Mayor to sign a Joint Resolution between the El Paso Water Utilities-Public Service Board and the City of El Paso, not the budget transfer.

Representative Cushing asked questions of Mr. Robert Andron, General Counsel for the El Paso Water Utilities Public Service Board and Ms. Terri Cullen-Garney, Deputy City Attorney.

Mr. Andron provided legal advice and noted that both the General Manager of the PSB and the Mayor had come to an agreement on the purchase price of the parcel in question.

Ms. Cullen-Garney explained if the Council Members wished to utilize an alternative purchase price, the PSB would need to reconsider that at their next scheduled meeting on May 12th. She answered questions from and responded to comments made by the Council Members.

Representative Cobos stated that the Council Members must ratify the negotiated amount.

Representative Cook remarked that he had met with the Chairman of the PSB, Mr. Fermin Acosta and the Mayor and requested that the Council Members vote on his motion with the following added language:

" subject to the approval of the Public Service Board".

Representative Power requested the Council Members discuss the 1965 Agreement in order that a precedent be set.

Mr. Andron explained that the 1965 Agreement could be renegotiated and set forth in its own revised version, however, if the Council Members approved the \$12,000.00 purchase price that amount would be locked in.

Representative Cobos suggested that a Council Member place a discussion and action item regarding the 1965 Agreement on the agenda.

Ms. Lisa A. Elizondo, City Attorney, responded.

Mr. Jim Martinez, Chief Administrative Officer, commented on the results of the PSB meeting held last week and discussions he had had with the Mayor and one member of the PSB board. Mr. Andron concurred with Mr. Martinez' comments.

Representative Austin explained that she would like to see the transfer of the land occur now, even if the price were to be determined at a later date. She requested that the Resolution language be revised to state "authorize up to \$120,000.00".

Ms. Risher Gilbert, attorney representing the developer, explained that the development had been planned months ago and urged the Council to approve the land transfer.

Ms. Cullen-Garney suggested that the Council Members accept the transfer of the 20 acre site subject to a Joint Resolution defining the amount pursuant to the Memorandum to be negotiated for an amount not to exceed a specified amount with the understanding that the PSB would have to agree to the amount specified.

Representative Lozano made comments.

Ms. Elizondo gave legal advice.

Representative Cobos reiterated that the purchase price was a counteroffer from the Public Service Board.

Ms. Momsen clarified the motion made by Representative Cook: "To amend items 2 and 3 of the Resolution that the Mayor be authorized to sign a Joint Resolution between the El Paso Water Utilities-Public Service Board and the City of El Paso authorizing (1) the transfer of a 20-acre tract of land in H.G. Foster Survey No. 262, City of El Paso, El Paso County, Texas, from the jurisdiction of the El Paso Water Utilities-Public Service Board to the City of El Paso for use as a public park; (2) that the City of El Paso shall pay the El Paso Water Utilities-Public Service Board a total sum of \$120,000 as consideration for the 20-acre land transfer; and (3) that the El Paso Water Utilities-Public Service Board shall accept reimbursement through deductions due the City from the proceeds derived from future El Paso Water Utilities-Public Service Board land sales in the amount of \$120,000 to cover the land transfer, **the amount to \$12,000 as the amount to be paid to the El Paso Water Utilities Public Service Board, subject to approval by the Public Service Board.** Representative Cobos seconded.

Ms. Patricia Adatao, Deputy CAO for Building and Planning Services, explained that the City of El Paso was not authorized, under the Municipal Code, to make improvements to the dedicated street and drainage rights-of-way, as the property belonged to the Public Service Board. She answered questions from and responded to comments made by Representative Cushing.

Representative Cobos clarified that the Council Members would be voting on the two resolutions and budget transfer and that the purchase of the land must be approved by the Council.

Mr. Jorge Artelejo, citizen, requested that the land to be transferred be utilized accordingly, as a City park. Additionally, he requested that the PSB utilize the funds to bring water into the City.

Representative Cook explained the Ordinance and underlying covenants of the Ordinance language.

Ms. Richarda Duffy Momsen, City Clerk, reiterated the motion as follows: to amend the Resolution language (2) that the City of El Paso shall pay the El Paso Water Utilities-Public Service Board a total sum of **\$12,000** as consideration for the 20-acre land transfer; and (3) that the El Paso Water Utilities-Public Service Board shall accept reimbursement through deductions due the City from the proceeds derived from future El Paso Water Utilities-Public Service Board land sales in the amount of **\$12,000** to cover the land transfer.

The vote on the Motion was as follows;

AYES: Representatives Cook, Escobar, and Cobos
NAYS: Representatives Austin, Cushing, Lozano, Power and Rojas

The Motion failed.

Representative Cook moved to postpone one (1) week. Representative Cobos seconded.

AYES: Representatives Lozano, Cook, Escobar, Rojas, and Cobos
NAYS: Representatives Austin, Cushing, and Power

The Motion passed 5-3.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Amendment to the 1999 Empowerment Zone Planning and Implementation Grant No. EZ-99-TX-0013 with the U.S. Department of Housing and Urban Development (HUD) to allocate an additional \$994,100 of HUD funds to the City of El Paso's Empowerment Zone (EZ) Program, and to add and delete certain administrative requirements. Funds are to be used for economic development related activities consistent with the Strategic Plan approved for the City's EZ Program.

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***RESOLUTION**

That the Mayor be authorized to sign a Contract by and between the City and Centro San Vicente in the amount of \$90,000.00, in connection with the Substance Abuse and Mental Health Services Administration (SAMHSA) Grant administered by the Department of Community and Human Development.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of TWENTY THREE THOUSAND AND NO/100 DOLLARS (\$23,000.00), against the following described real property:

Lot 11, less the South 2.50 feet thereof, Block 35, MAGOFFIN'S ADDITION, an Addition to the City of El Paso, El Paso County, known and numbered as 900-A S. Virginia, El Paso, Texas 79901

for consideration paid to the City in full satisfaction of that certain Real Estate Lien Note executed by the owners of the above-described real property; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of Three Hundred Twenty Eight and 13/100 Dollars (\$328.13). [Funds are available in the CD Housing Rehab Dept ID: 71150039, Grant: 710RLFCDAH, Fund: 09903, Financial Location: 71000, Account: 505065].

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign a grant application to the U.S. Department of Health and Human Services Administration for a grant in the amount of Two Hundred Forty-Six Thousand and No/100 dollars (\$246,000.00) to be utilized to fund a construction and renovation project for clinical space, on behalf of the City-County Health and Environmental District. There will be no matching funds required for this grant.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Director of the El Paso Museum of Art be authorized to sign a Loan Agreement on behalf of the City of El Paso, for the loan of one (1) oil on canvas by George Inness, ***Landscape***, 1842, to Sterling and Francine Clark Art Institute, Williamstown, Massachusetts, for an exhibition to be held from February 6 - April 17, 2005. Sterling and Francine Clark Institute will cover the costs of packing, shipping and insurance during the loan period.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Director of the El Paso Museum of Art be authorized to sign an Incoming Loan Agreement for the exhibition ***"CraftHouston 2004: Texas"***, October 3, 2004 - January 23, 2005, organized by the Houston Center for Contemporary Craft, Houston, Texas. Participation fee is \$2,500.00, plus \$2,500.00 shipping fee.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Museum of Art be permitted to apply to the Texas Commission on the Arts Core Support Program for a grant of \$31,500 to assist in the exhibition of *Texas Flags and CraftHouston*, and that the Mayor be authorized to sign any contracts or related documents accepting funding of that amount or a lesser amount as approved by the Commission. City funds are required to match this grant.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Museum of Art be permitted to apply to the Texas Commission on the Arts Education Project Program for a grant of \$24,316 to assist in the Neighborhood Kids Program, and that the Mayor be authorized to sign any contracts or related documents accepting funding of that amount or a lesser amount as approved by the Commission. City funds are required to match this grant.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to accept, on behalf of the El Paso Museum of Art, a grant in the amount of \$17,000 from The Museum of Art Foundation and to sign any contracts or related documents. The funds are granted for the Museum's High School Multiple Visit Program. No matching funds are required

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement for Architectural Services by and between the CITY OF EL PASO and ASA ARCHITECTS STUDIO, for a project known as "Fire Station No. 18 Renovation", in an amount not to exceed TWENTY-FIVE THOUSAND and 00/100 DOLLARS (\$25,000.00).

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement for Engineering Services by and between the CITY OF EL PASO and VILLAVERDE, INC., for a project known as "Rocky Bluff Drain", in an amount not to exceed TWENTY-ONE THOUSAND SIX HUNDRED FIFTY-ONE and 66/100 DOLLARS (\$21,651.66).

***RESOLUTION**

WHEREAS, effective January 1, 2004, the Texas Legislature passed new laws, HB 2458, reference state fuel tax;

WHEREAS, the new Chapter 162 replaces the current motor fuel tax law, Chapter 153;

WHEREAS, the City of El Paso may continue to purchase diesel fuel for off highway use;

WHEREAS, the City of El Paso may file a tax refund claim for the \$.20/gallon state fuel tax for the calendar year, 2004; and

WHEREAS, effective January 1, 2005, the City of El Paso will not be eligible for this refund without a permit allowing for the purchase of dyed diesel fuel;

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign an Application and any other related documents for the Dyed Diesel Fuel User Permit, allowing the City of El Paso to purchase dyed diesel fuel for off highway use (primarily at landfills).

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*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following **EMPLOYEE CONTRACTOR** contracts on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for these contracts is in fiscal year **2003/2004** appropriations to be approved by the City Council.

AQUATICS

DEPARTMENT ID: 51010281, ACCOUNT 501011

1. CONTRACTOR: Sofia Arjon, Lifeguard Step 2
DATES: May 5, 2004 through September 30, 2004
RATE PER HR: \$6.00
CONTRACT NO: **2003/2004-241**

2. CONTRACTOR: Adrian Arteaga, Swim Instructor, Step 1
DATES: May 5, 2004 through September 30, 2004
RATE PER HR: \$5.35
CONTRACT NO: **2003/2004-242**

3. CONTRACTOR: Crystal R. Barnes, Swim Instructor, Step 1
DATES: May 5, 2004 through September 30, 2004
RATE PER HR: \$5.35
CONTRACT NO: **2003/2004-243**

4. CONTRACTOR: Ericka V. Coronado, Swim Instructor, Step 1
DATES: May 5, 2004 through September 30, 2004
RATE PER HR: \$5.35
CONTRACT NO: **2003/2004-244**

5. CONTRACTOR: Ricardo F. Diego, Swim Instructor Step 4
DATES: May 5, 2004 through September 30, 2004
RATE PER HR: \$5.80
CONTRACT NO: **2003/2004-245**

6. CONTRACTOR: Lucas P. Ellison, Swim Instructor Coordinator, Step 1
DATES: May 24, 2004 through September 30, 2004
RATE PER HR: \$6.50
CONTRACT NO: **2003/2004-246**

7. CONTRACTOR: Evelyn J. Fierro, Swim Instructor, Step1
DATES: May 5, 2004 through September 30, 2004
RATE PER HR: \$5.35
CONTRACT NO: **2003/2004-247**

8. CONTRACTOR: Jose R. Jarvis, Swim Instructor, Step 1
 DATES: May 5, 2004 through September 30, 2004
 RATE PER HR: \$5.35
 CONTRACT NO: **2003/2004-248**

9. CONTRACTOR: Rosanne E. Martinez, Swim Instructor, Step 1
 DATES: May 5, 2004 through September 30, 2004
 RATE PER HR: \$5.35
 CONTRACT NO: **2003/2004-249**

10. CONTRACTOR: Joann N. McGinnis, Lifeguard, Step 2
 DATES: May 5, 2004 through September 30, 2004
 RATE PER HR: \$6.00
 CONTRACT NO: **2003/2004-250**

11. CONTRACTOR: Rick M. Peña, Lifeguard, Step 2
 DATES: May 5, 2004 through September 30, 2004
 RATE PER HR: \$6.00
 CONTRACT NO: **2003/2004-251**

12. CONTRACTOR: Johnny R. Segura, Swim Instructor Step 1
 DATES: May 5, 2004 through September 30, 2004
 RATE PER HR: \$5.35
 CONTRACT NO: **2003/2004-252**

13. CONTRACTOR: Daniel Vasquez, Swim Instructor, Step 1
 DATES: May 5, 2004 through September 30, 2004
 RATE PER HR: \$5.35
 CONTRACT NO: **2003/2004-253**

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to accept an award of Community Assistance funding from the Junior League of El Paso in the amount of \$2,300.00, for the purpose of obtaining two automatic external defibrillators to be installed in the Police Department's patrol vehicles, and to sign any related documents as may be necessary.

*Motion made, seconded and unanimously carried to postpone three (3) weeks A Resolution of the City of El Paso, Texas, supporting a delay of retail competition for El Paso Electric Company.

*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 25th day of May, 2004 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 148-150 N. Brown Street, in El Paso, Texas, which property is more particularly described as:

Lots: S 75 Ft. of 1 to 3 and 75 Ft. of W 15 Ft. of 4, Block 32, Franklin Heights

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Carlos Escobedo, 10540 Kendall Street, El Paso, Texas 79924, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owner, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

*Motion made, seconded and unanimously carried that the street and drainage improvements in the following subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Subdivision: I-10 Commercial
Owner/Developer: Mesilla Valley Transportation, A New Mexico General Partnership
Consultant: Roe Engineering, L.C.

Street Improvements:

Escobar Drive - from the northeast subdivision boundary line to the end of cul-de-sac

Drainage Improvements:

Surface Drainage

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*Motion made, seconded and unanimously carried that the street and drainage improvements in the following subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Subdivision: Tierra Del Este, Unit Seventeen
Owner/Developer: Ranchos Real VI, Ltd.
Consultant: Conde Inc.

Street Improvements:

Tierra Angel Drive - from the northeast subdivision boundary line to the north property line of Tierra Clara Road, and from the south property line of Tierra Clara Road to the north property line of Tierra Perla Court

Tierra Clara Road - from Station 10+46.36 to the end of cul-de-sac

Tierra Lucero Lane - from Station 10+46.36 to the southwest property line between Lots 72 and 73, Block 70

Tierra Carmen Court - from the west property line of Tierra Lucero Lane to the northwest subdivision boundary line

Tierra Perla Court - from the southwest property line between Lots 72 and 73, Block 70 to the end of cul-de-sac

Tierra Alma Lane - from the south property line of Tierra Clara Road to the end of cul-de-sac

Tierra Coral Court - from the east property line of Tierra Angel Drive to the end of cul-de-sac

Tierra Gema Court - from the east property line of Tierra Angle Drive to the end of cul-de-sac

Tierra Fresa Way - from the east property line of Tierra Lucero Lane to the end of cul-de-sac

Tierra Pera Court - from the east property line of Tierra Lucero Lane to the end of cul-de-sac

Drainage Improvements:

Storm Drainage System - Located at Tierra Lucero Lane; 1-8 Grate Drop Inlet Type III

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*Motion made, seconded and unanimously carried to approve the request for the following name to be placed on the Reinstatement list in accordance with Article VI, Section 6.10-10, of the Civil Service Charter Provisions:

Marion, John – Library Assistant

*Motion made, seconded and unanimously carried to postpone two (2) weeks the following provisional appointment in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

Civil Service Recorder (1)

*Motion made, seconded and unanimously carried to approve the Staffing Table Change for **BUILDING PERMITS & INSPECTIONS**

Delete	1.00	Customer Relations Manager	PM 77
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*Motion made, seconded and unanimously carried to approve the Staffing Table Change for **LIBRARY**

Add	1.00	Library Branch Manager	PM 77
Add	1.00	Public Services Librarian II	PM 75
Add	2.00	Public Services Librarian I	PM 73
Add	1.00	Library Information Supervisor	GS 21
Add	2.00	Library Information Specialist II	GS 17
Add	1.00	Library Information Specialist I	GS 12
Add	0.50	Messenger I	GS 09
Add	1.00	Library Assistant	GS 07
Add	2.19	Library Assistant	GS 07
Add	0.50	Co-Op Student Contract	C

*Motion made, seconded and carried that Daniel A. Valenzuela be confirmed as Summer Law Clerk with the Office of the City Attorney for a period of five (5) weeks at a weekly rate of \$900.00 effective from May 24, 2004 to June 25, 2004.

*Motion made, seconded and carried that Jonathan Huerta be confirmed as Summer Law Clerk with the Office of the City Attorney for a period of five (5) weeks at a weekly rate of \$900.00 effective from June 1, 2004 to July 6, 2004.

*Motion made, seconded and carried that John A. Prisner be confirmed as Summer Law Clerk with the Office of the City Attorney for a period of five (5) weeks at a weekly rate of \$900.00 effective from July 12, 2004 to August 13, 2004.

*Motion made, seconded and unanimously carried to appoint Ralph Adame to the Airport Board by Representative John F. Cook, District 4.

*Motion made, seconded and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

A. PID #G569-999-0100-4300, \$621.01 per month installments on a balance of \$7,452.12 for 1999, 2000, 2001, 2002 & 2003 taxes; Maria M. Ulloa – 3804 Altura Ave.

B. PID #M709-999-0000-1900, \$683.88 per month installments on a balance of \$8,206.56 for 2003 taxes; Carolina & Sergio Salmon – 4962 Love St.

*Motion made, seconded and unanimously carried to authorize the Director of Purchasing to issue an Emergency Purchase Order to Rinchem Company Inc. in the amount of \$15,000.00 estimated for Household Hazardous Waste Disposal Events through May, 2004 (approximately 1 event).

Request is due to the termination of current contract. The procurement is necessary to preserve or protect the public health or safety of the municipality's residents. The Purchasing Department has received five bids which are currently under evaluation and pending award.

Department: Solid Waste Management
Funding source: Solid Waste Management
Total award: \$15,000.00

.....
*Motion made, seconded and unanimously carried to authorize the Director of Purchasing to issue Purchase Order(s) to Ditch Witch Sales & Service, for Ditch Witch equipment for FY2004/2005 and any extension thereof. Ditch Witch is the sole authorized dealer for Ditch Witch Equipment and Parts in the El Paso, Texas area.

Department: Fleet Services
Funds available: 37370510-503121-45202
Funding source: Fleet Service Internal Service Fund
Total award: \$25,000.00 (estimated annually)

.....
*Motion made, seconded and unanimously carried to authorize the Director of Purchasing to issue a Sole Source Purchase Order to Sagem Morpho Inc., in the amount not to exceed \$54,000.00 for the upgrade of Automated Fingerprint Identification System that will provide connectivity with the County Sheriff's Identix equipment for processing fingerprint records. Sagem Morpho Inc. is the sole provider for its proprietary hardware and software.

Department: Police Department
Funds available: 21150060-16411-508010 Project P500232
Funding source: State Confiscated Account – Data Processing Equipment
Total award: \$45,000.00

.....
*Motion made, seconded and unanimously carried to approve Change Order No. Five (Construction Change) CF Jordan LP "Pavement Rehabilitation of Terminal Apron and Taxilane "A" (Bid 2003-106) for a decrease in the amount of \$190,662.14. The decrease is to adjust the final quantities to reflect the actual quantities utilized on the project.

.....
*Motion made, seconded and unanimously carried to award Bid No. 2004-140 EPFD Engine Exhaust Removal System

Contractor: Air Cleaning Technologies Inc.
Broken Arrow, OK. 74012

Department: Fire Department
Funds Available: 04252003-PMB0004130-27260-508008
(\$30,891.07)
62620029-PAP0007001-41062-508027
(\$6,180.00 for FS #32)
22150024-G220403-07162-508008
(\$107,043.93) FEMA Grant
Funding Source: FY03 City Equipment Capital, Airport Revenue and
FEMA (Federal Emergency Management Agency) Grant
Items: Base Bid \$144,115.00
Total Award: \$144,115.00

The Departments of Purchasing, Engineering and Fire Department, recommend the award of Base Bid of this contract to Air Cleaning Technologies Inc., The Best Value proposal. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

.....
*Motion made, seconded and unanimously carried to award Bid No. 2004-125 Airport Marketing & Advertising Services

Award to: Lopez Advertising Group, Inc.
Item (s): All
Amount: \$90,000.00 (estimated annually)

Department: Department of Aviation
Funds available: Various Airport Funds
Funding source: Various Airport Funds
Total award: \$180,000.00 (estimated annually)

The Department of Aviation and the Purchasing Department recommend award as indicated as this vendor has provided the Best Value Bid. They submitted the highest ranked bid to meet the needs of the City.

This is a thirty-six (36) month requirements-type Contract for Airport Marketing & Advertising Services for the El Paso International Airport.

Vendor offers the City the option of extending the term of the contract for twenty-four (24) additional months at the same unit prices, if the option is exercised within two (2) years from the date of award of the contract.

Vendor does not offer a prompt payment discount.

The Contract will officially begin at 12:01 AM, May 5, 2004.

.....
*Motion made, seconded and unanimously carried to award Bid No. 2004-155 Janitorial Services, City-County Health District

Award to: The Eagle Janitorial Services
El Paso, TX
Item (s): All
Amount: \$150,737.50 (estimated annually)

Department: City-County Health District
Funds available: Various
Funding source: Various – General Accounts and WIC Grants
Total award: \$452,212.50

City/County Health Environmental District and Purchasing recommend award as indicated, on the basis of Best Value Procurement. This is a thirty-six [36] month contract with no renewable options.

.....

*Motion made, seconded and unanimously carried to award Bid No. 2004-049 Doniphan Park and Logan Park Improvements

Contractor: Jan-Car, Inc.
El Paso, TX

Department: Parks and Recreation
Funds Available: Doniphan 71000-71150069-G7128cd0074-07762-508027
Logan 71000-71150069-G7128cd0075-07763-508027
Funding Source: Community Development Grants
Items: Base Bid I \$340,740.00
Base Bid II \$ 34,878.00
Total Award: \$375,618.00

The Departments of Purchasing, Engineering, and Parks & Recreation recommend the award of this contract to Jan-Car, Inc., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

.....
*Motion made, seconded and unanimously carried to approve Change Order No. One (Construction Change) to Jan-Car, Inc. for "Doniphan & Logan Park Improvements project" for a decreased amount of \$27,060.00. The new contract value is \$348,558.00.
.....

*Motion made, seconded and unanimously carried to award Bid No. 2004-053 Zaragosa Bridge Joint Replacement

Contractor: Silverton Construction Co. Inc.
El Paso, Texas

Department: Engineering Department
Funds Available: 32000082-P501005-43001-508027
Funding Source: General Revenue
Items: Base Bid \$58,399.78
Total Award: \$58,399.78

The Departments of Purchasing and Engineering recommend the award of Base Bid of this contract to Silverton Construction Co. Inc., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

*Motion made, seconded and unanimously carried to award Bid No. 2004-111 Uniforms

Award to: Vendor 1 Uniforms of Texas
El Paso, Texas
Item (s): Group II, #1 thru 19, Group IV, #1 thru 6,
Group V, #1 thru 7, Group VII #1, #2, #6,
#7 & #8, Group VIII, #1 & #2
Amount: \$75,667.31 (estimated annually)

Award to: Vendor 2 Bazaar Uniforms & Mens Wear
El Paso, Texas
Item (s): Group I, #1 thru 12, Group III, #1 thru 4,
Group VI, #1 thru 7
Amount: \$119,887.99 (estimated annually)

Award to: Vendor 3 Alco Industrial Co.
El Paso, Texas
Item (s): Group VII, #3, #4, & #5
Amount: \$5,774.20 (estimated annually)

Department: Police Department
Funds available: 21010060-503120-01101
Funding source: Police Operating Funds-Uniform & Apparel Supplies
Total award: \$402,659.00

The Police and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Group I is being awarded to the second lowest bidder. The winter jacket in Group I submitted by lower bidder did not meet the required specifications, as it was the wrong color and wrong material.

Vendor #1 & #3 offer the City the option to extend the term of the contract at the same unit prices for one (1) additional year if the option is exercised within one (1) year from the date of the award.

Vendor #2 offers the City the option to extend the term of the contract at the same unit prices for one (1) or two (2) additional years if the option is exercised within one (1) or two (2) years from the date of the award.

This is a Requirements Type Contract with an initial term of Twenty-Four (24) months.

.....
*Motion made, seconded and unanimously carried to award Bid No. 2004-123 Agricultural Tractor With Front Loader

Award to: El Paso Tractor-Kubota
Canutillo, Texas
Item (s): 1 – Two (2) Each
Amount: \$70,296.00

Department: Parks and Recreation
Funds available: 04200401-508029-29201-PMB0005001
Funding source: FY2004 General Obligation Bonds
Total award: \$70,296.00

This is a fixed-price, single (one-time) purchase, to purchase two (2) Agricultural Tractors with Front Loaders. There is also an option to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within one hundred and eighty (180) days from the date of award of the contract. No prompt payment discount is offered.

Contractor:	JMZ Contractors, Inc.	
	El Paso, TX	
Department:	Parks and Recreation	
Funds Available:	31130600/PPW00460047/60062/508027	
Funding Source:	Quality of Life Bonds 2000 FY03	
Items:	Base Bid I	\$398,000.00
	Alternate No. 1	\$ 38,000.00
Total Award:		\$436,000.00

The Departments of Purchasing, Engineering, and Parks and Recreation recommend the award of this contract to JMZ Contractors, Inc., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

Award to:	Border International Trucks El Paso, Texas
Item (s):	Group A, Item #1 & #2, Group B
Amount:	\$20,000.00 (estimated annually)
Department:	Fleet Services
Funds available:	37370510-503121-503125-45202
Funding source:	Fleet Service Internal Service Fund
Total award:	\$600,000.00

Labor rate is higher on some items than other bidder but the majority of this contract is for parts. Border International offered the lowest prices for parts.

This is a Requirements Type Contract with an initial term of Thirty Six (36) months.

.....
*Motion made, seconded and unanimously carried to award Bid No. 2004-134 Pest Control Services

Award to: Lone Star Pest Control
El Paso, TX
Item (s): All
Amount: \$14,500.00 (estimated yearly)

Department: Municipal Services, Building Maintenance
Funds available: 31010325-01101-203220 Building Maint. Police Facilities
31010326-01101-202220 Building Maint. City Wide
31010327-01101-202220 Building Maint. Fire Facilities
31010328-01101-202220 Viscount Building
31010350-01101-202220 Libraries

Total award: \$43,500.00

Municipal Services, Building Maintenance Department and Purchasing recommend awards as indicated as this vendor is the low, responsible and responsive bidder meeting specifications.

This is a thirty-six (36) month contract with no option In addition, Lone Star Pest Control offers the City a 11% 10 Days, 7% 20 Days, and 3% 30 Days, Prompt Payment Discount.

NOTE: Account under Funds Available was revised.

.....
*Motion made, seconded and unanimously carried to award Bid No. 2004-143 Professional Exterior Window Washing Services

Award to: Professional Janitorial Services
El Paso, TX
Item (s): All
Amount: \$9,200.00 (estimated yearly)

Department: Municipal Services Building Maintenance
Funds available: 31010326-01101-502206
Funding source: General Funds, Janitorial Maint Services Contract
Total award: \$18,400.00

Municipal Services, Maintenance Department and Purchasing recommend awards as indicated as this vendor has provided the only bid and meets specifications.

This is a two (2) year contract with no option to extend the term of this contract.

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*Motion made, seconded and unanimously carried to award Bid No. 2004-149 Ramona Ave.-Thomas Pl. Street & Drainage Improvements

Contractor: C F Jordan L. P.
El Paso, Texas

Department: Community Development
Funds Available: 71150069-G7128CD0037-39-07756-57-508027
Funding Source: Community Development
Items: Base Bid I & IA \$518,270.00

	Base Bid II, (1 to 9)	\$ 68,602.00
	Base Bid III (1 to 7)	\$117,781.00
Total Award:		\$711,363.00

The Departments of Purchasing, Engineering and Community Development recommend the award of Base Bid I, Base Bid II & Base Bid III of this contract to C F Jordan L. P., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

.....
 *Motion made, seconded and unanimously carried to award Bid No. 2004-151 Maintenance Uninterrupted Power Supply Equipment

Award to:	CSS
	Madison, WI
Item (s):	All
Amount:	\$18,612.00 (estimated yearly)
Department:	Municipal Services-Building Maintenance
Funds available:	31010325-01101-502226
Funding source:	General Account, Building/Facilities Maint. Contracts
Total award:	\$37,224.00

Municipal Services, Building Maintenance and Purchasing recommend awards as indicated as this vendor is the low, responsible and responsive bidder meeting specifications.

This is a twenty-four (24) month contract with the bidder offering the option to extend the term of this contract for one additional year.

NOTE: Address for CSS was revised from "El Paso, TX" to "Madison, WI".

.....
 *Motion made, seconded and unanimously carried to award Bid No. 2004-158 Furnish & Install Airport Seating

Award to:	Airport Seating Alliance (Garavelli Enterprises, Inc.)
	Memphis, TN
Item (s):	All
Amount:	\$90,704.08
Department:	Department of Aviation
Funds available:	62620031-G620AIP0019-11508-508027
Funding source:	Airport Grants Improvements
Total award:	\$90,704.08

The Department of Aviation and the Purchasing Department recommend award as indicated to the lowest responsive offer, by definition meeting specifications, from responsible parties.

This is a fixed-price, single (one-time) purchase, to furnish and install airport seating.

A lower bid was received but was deemed non-responsive as detailed in the backup.

Vendor offers the City the option of purchasing up to 100% of the original contract quantities, if the option is exercised within Six (6) Months, from the date of award of the contract.

Vendor offers a 1% discount if paid within 10 days.

.....
Motion made, seconded and unanimously carried to move to the regular agenda budget transfer BT2004-645 BUILDING AND PLANNING SERVICES.

See page four for discussion.

Representative Power moved to approve. There was no second.

Representative Cobos questioned the funding source of the budget transfer.

Mr. Bill Chapman, Deputy Chief Administrative Officer for Financial and Administrative Services, explained.

1st Motion:

Motion made by Representative Austin, seconded by Representative Rojas and unanimously carried to reconsider BT2004-645 BUILDING AND PLANNING SERVICES.

2nd Motion:

Motion made by Representative Austin, seconded by Representative Power and unanimously carried to postpone one (1) week budget transfer BT2004-645 BUILDING AND PLANNING SERVICES.

3rd Motion:

Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to postpone two (2) weeks budget transfer BT2004-645 BUILDING AND PLANNING SERVICES

BT2004-645 BUILDING AND PLANNING SERVICES.

Building and Planning Services proposes to appropriate \$120,000 to pay for infrastructure improvements in connection with the development of park site at Franklin Hills. Funding source is HFC funds.

Increase	\$120,000	to	31125001/PPR000327624/508027	Construction
Increase	\$120,000	to	31125001/P50145827610/407002	Est Rev
Decrease	\$120,000	from	31125001/P50145827610/507001	Intrfd Trf
Increase	\$120,000	to	31125001/PPR000327624/407001	Intrfd Trf

NOTE: The following three items were all discussed together: 1) Resolution that the Mayor be authorized to sign a Developer Agreement between Colony Partners L.P. and the City of El Paso for the construction of certain improvements to Bear Ridge Drive and the abutting drainage channel in the vicinity of a certain 20 acre parcel contemplated for use as a City park. This developer agreement is made pursuant to Section 212.071 and 212.072 of the Texas Local Government Code as well as the City of El Paso Municipal Code; 2) Resolution that the Mayor be authorized to sign a Developer Agreement between Colony Partners L.P. and the City of El Paso for the construction of certain improvements to Bear Ridge Drive and the abutting drainage channel in the vicinity of a certain 20 acre parcel contemplated for use as a City park. This developer agreement is made pursuant to Section 212.071 and 212.072 of the Texas Local Government Code as well as the City of El Paso Municipal Code; and 3) budget transfer BT2004-645 Building and Planning Services.

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*Motion made, seconded and unanimously carried to approve budget transfer BT2004-640 AIRPORT

Transfer of funds to set up funding for the runway lighting and new vault project.

Increase	\$	1,000	to	62620031/G620AIP002111510/502205	Legal Notices
Increase	\$	4,000	to	62620031/G620AIP002111510/502302	PrtShpChgs
Increase	\$	1,000	to	62620031/G620AIP002111510/502304	MailrmChg
Increase	\$	1,099,000	to	62620031/G620AIP002111510/508016	Arch&Design
Increase	\$	5,000	to	62620031/G620AIP002111510/508021	CyEngAdChg
Increase	\$	100,000	to	62620031/G620AIP002111510/508024	Testing
Increase	\$	30,000	to	62620031/G620AIP002111510/508026	Inspections
Increase	\$	12,230,000	to	62620031/G620AIP002111510/508027	Construction
Increase	\$	30,000	to	62620031/G620AIP002111510/50805	CityProgMgmt
Increase	\$	13,500,000	to	62620031/G620AIP002111510/407001	IntrfndTrfln
Increase	\$	13,500,000	to	62620018/P50000241021/407002	Est Rev
Increase	\$	13,500,000	to	62620018/P50000241021/507001	IntrfndTrfOut

.....
*Motion made, seconded and unanimously carried to approve the request of the Downtown Optimist Club to hold a foot race/walk on May 22, 2004 from 8:00 a.m. to 8:45 a.m. Route: Start at Album Park and Parkwood St., left on Bayo, right on Orkney, right on Ballymote, right on Saigon, right on Wedgewood, right on Lockerbie proceed on running path around the park and finish at Parkwood St. Approximately 250 persons will take part and 50 spectators are anticipated. This request includes permission to use amplification (P.A. system, 2 small speakers). PERMIT NO. 04-033 [Mike Coulter]

NOTE: Estimated cost to the City was revised from "\$4,242.50" to "242.50".

.....
*Motion made, seconded and unanimously carried to approve the request of Lee Elementary School PTA to hold a parade on May 8, 2004 from 9:30 a.m. to 11:00 a.m. Route: Start at 7710 Pandora (Lee School parking lot), exit parking lot on Vulcan, turn right on Howard to Sierra Vista, turn right on Tetons to Mt. Baldy, turn left on Hercules to Pandora, and finish at Lee School Parking Lot. Approximately 200 persons and 200 bikes will take part and 200 spectators are anticipated. PERMIT NO. 04-032 [Jackie Morgan]

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*Motion made, seconded and unanimously carried to approve the request of Mision Iglesia Universal de Jesucristo to use amplification (1 set of drums, 2 speakers, 2 microphones, 1 guitar, and 1 bass) at 601 S. Park-Tula Ivrobali Park on May 8, 2004 and May 9, 2004 from 7:00 p.m. to 9:30 p.m. for a church revival. Approximately 15 persons will take part and 50 spectators are anticipated. PERMIT NO. 04-035 [Raul Raygoza]

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Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance authorizing the issuance of City of El Paso, Texas, General Obligation Commercial Paper Notes, Series B, in an aggregate principal amount not to exceed \$50,000,000 for the purpose of providing money for certain authorized purposes; approving and authorizing certain authorized officers and employees to act on behalf of the City in the selling and delivery of such notes, within the limitations and procedures specified herein; making certain covenants and agreements in connection therewith; resolving other matters incident and related to the issuance, sale, delivery and security of the notes, including the approval of an Issuing and Paying Agency Agreement, a Credit Agreement, an Offering Memorandum and a Commercial Paper Dealer Agreement.

- B. An Ordinance of the City of El Paso, Texas, authorizing the issuance and sale of City of El Paso, Texas, Solid Waste Disposal System Revenue Bonds, Series 2004; providing for the security and payment of said bonds; approving the Official Statement; approving execution and delivery of a Bond Purchase Agreement and enacting other provisions relating thereto.

PUBLIC HEARING WILL BE HELD ON MAY 18, 2004 FOR ITEMS A – B

- C. An Ordinance Granting Special Permit No. ZON04-00040 to satisfy parking requirements for Parcel I, described as Lot 8, Block 2, Sahara Subdivision, El Paso, El Paso County, Texas (9930 Dyer Street), by allowing off-street parking on Parcel 2, described as Lot 25 Block 2, Sahara Subdivision (Taj Mahal Street), pursuant to Section 20.14.040, and the penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. ZONE: C-1 (Commercial) and R-4 (Residential). Applicant/Representative: Sang Morgan, 9952 Taj Mahal, El Paso, TX. 79924
- D. An Ordinance Granting Special Permit No. ZON04-00042, to allow for a convalescent home on a portion of Lots 14 and 15, Block 46, Pebble Hills Subdivision, El Paso, El Paso County, Texas (3113 Forney Lane) pursuant to Section 20.28.040, and the penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. ZONE: A-O/sc (Apartment-Office/special contract). Applicant: Alexander MacKinnon/ Representative: Yolanda Soltero, 3108 Gaston, El Paso, TX 79935
- E. An Ordinance changing the zoning of a portion of Tract 225, Sunrise Acres No. Two, El Paso, El Paso County, Texas (4650 Vulcan Drive) from R-4 (Residential) to A-M (Apartment-Mobile Home Park). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Martha P. Yee / Representative: Luis De La Cruz; 9013 Lait Drive, El Paso, TX 79925. ZON04-00045
- F. An Ordinance changing the zoning of Tracts 17C165, 17C166, 17C167, 17C168, Block 79, Section 8, Township 3, Texas and Pacific Railway Company Surveys, El Paso, El Paso County, Texas (Joe Battle Boulevard North Vista del Sol Drive) from R-3 (Residential) to C-4 (Commercial) and imposing certain conditions. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: EP Rhino II, L.P. / Representative: Conde, Inc.; 1790 Lee Treviño Drive, Suite 400, El Paso, TX 79936. ZON04-00039

PUBLIC HEARING WILL BE HELD ON MAY 25, 2004 FOR ITEMS C – F

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

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*Motion made, seconded and unanimously carried to postpone three (3) weeks the discussion and action on a resolution expressing the will of the El Paso City Council regarding "deregulation" of electric services in the City of El Paso.

.....
*Motion made, seconded and unanimously carried to postpone two (2) weeks the discussion and action concerning the installation of a multi-way (4-way) stop at the intersection of Parral and La Paz.

.....
*Motion made, seconded and unanimously carried to postpone one (1) week the discussion and action on entering into a pilot recycling program with Nortoner to collect, remove and transport, or dispose of the City's empty toner, fax, inkjet and photocopier cartridges through the setting up of collection containers in diverse locations in El Paso. This pilot program would serve a public purpose by providing a recycling opportunity after the recent public concerns regarding the lack of recycling efforts by the City of El Paso; any monies generated from this recycling effort are considered public funds; and the collections would fall within the legal requirements of a \$3,000.00 limit without calling for competitive bidding, as defined by Legal.

*Motion made, seconded and unanimously carried to postpone one (1) week the discussion and action on providing disability awareness and etiquette training to the May and Council Representatives.

.....
No action was taken on the following item:

Report from the Ethics Review Commission: Discussion and action relating to the Commission's annual report for 2003 on file in the Office of the City Clerk on the following specific items: A summary of activities, determinations made and accomplishments of the Commission during 2003; Status of board appointments.

Mr. David Palmer, Chairman of Ethics Review Commission, provided a report to the Council Members and answered questions from and responded to comments made by the Council Members. He thanked City staff, members of the Ethics Review Commission and the Council Members for their input and assistance.

Representative Rojas questioned Mr. Palmer regarding a complaint filed by a member of the public.

Representative Cook asked Ms. Elaine Hengen, Assistant City Attorney, to explain to the Council Members the rules allowing the Council Members to appear before any City board or commission.

Ms. Hengen provided legal advice regarding Council Members appearing before City boards and commissions and further explained issues pertaining to the complaint filed by a member of the public.

.....
ORDINANCE 15775

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE MAYOR TO SIGN A CONTRACT OF SALE, SPECIAL WARRANTY DEED, RELEASE OF LIEN AND ALL OTHER RELATED DOCUMENTS, CONVEYING TO CONSUELO ACOSTA THE WEST 30 FEET OF THE EAST 60.30 FEET OF LOTS 1-3, INCLUSIVE, BLOCK 36, MAGOFFIN'S ADDITION, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS (1025 E. EIGHTH AVENUE).**

Mr. Roberto Soto, Community and Human Development, answered questions from and responded to comments made by the Council Members.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cushing, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor Pro Tem ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor Pro Tem ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
Motion made by Representative Cushing, seconded by Representative Austin and unanimously carried to postpone one (1) week an Ordinance amending Ordinance 8065, Civil Service Rules and Regulations, Rule 15, Suspension, Reduction and Discharge, to add Section 6, to allow employees to forfeit annual leave in lieu of serving a suspension provided that appeal rights are waived.

Representative Escobar not present for the vote.

Motion made by Representative Cushing, seconded by Representative Austin to approve the Ordinance. No vote was taken.

The City Clerk called for public comment. There was no public comment.

Representative Cook asked questions of Ms. Terry A. Bond, Director of Human Resources, regarding an employee's ability to appeal the denial of the use of vacation time in lieu of serving a suspension.

Ms. Terry A. Bond, Director of Human Resources, answered questions from and responded to comments made by Representative Cook and Mr. Jim Martinez, Chief Administrative Officer.

Ms. Lupe Cuellar, Deputy City Attorney, provided legal advice.

Mr. Jim Martinez, Chief Administrative Officer, commented on the Ordinance language.

Representative Cushing withdrew his motion to approve and moved to postpone for two (2) weeks. Representative Austin seconded.

Mr. Martinez suggested one week postponement.

Representative Cushing moved to postpone one (1) week. Representative Austin seconded. All voted in favor of the one week postponement.

ORDINANCE 15776

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 4, BLOCK 134, PEBBLE HILLS, EL PASO, EL PASO COUNTY, TEXAS (WOOSTER LANE) FROM A-O (APARTMENT-OFFICE) TO C-3 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and explained that the DCC (Development Coordinating Committee) had voted to deny the zoning change request, however, the CPC (City Plan Commission) had approved the zoning change request. He read the proposed restrictions to be placed on the property into the record.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Power, seconded by Representative Cook that the Ordinance be adopted as revised. Whereupon the Mayor Pro Tem ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES:	Council Members Austin, Cushing, Cook, Power, Escobar, Rojas and Cobos
NAY:	Council Member Lozano
Absent:	None

Whereupon the Mayor Pro Tem ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15777

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON04-00030, TO ALLOW FOR A PARKING REDUCTION ON THE PROPERTY DESCRIBED AS LOTS 9 AND 10, BLOCK 32, FRANKLIN HEIGHTS, EL PASO, EL PASO COUNTY, TEXAS (1318 MYRTLE AVENUE), PURSUANT TO SECTION 20.64.175 OF THE EL PASO MUNICIPAL CODE. THE PENALTY IS AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, answered questions from and responded to comments made by the Council Members.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cobos, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor Pro Tem ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor Pro Tem ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
ORDINANCE 15778

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON04-00019, TO ALLOW FOR INFILL DEVELOPMENT ON A PORTION OF LOTS 6, 7 AND 8, BLOCK 25, SECOND REVISED MAP OF SUNSET HEIGHTS, EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.14.040 (ZONING) OF THE EL PASO MUNICIPAL CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, noted that the Special Permit would be the first to be approved under the new infill development Ordinance, gave a Powerpoint presentation and explained that the CPC (City Plan Commission), DCC (Development Coordinating Committee) and the Historic Landmark Commission had recommended unanimous approval. He stated that there the Department received no letters or telephone calls either in support of or in opposition to the Ordinance. He answered questions from and responded to comments made by the Council Members.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cook, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor Pro Tem ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor Pro Tem ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
RESOLUTION APPROVING DETAILED SITE DEVELOPMENT PLAN NO. ZON04-00044, FOR A PORTION OF LOT 3, BLOCK 3, BOYKIN COMMERCIAL DISTRICT UNIT 4, EL PASO, EL PASO COUNTY, TEXAS (131 McCLINTOCK Dr.), PURSUANT TO A CONTRACT CONDITION IMPOSED BY ORDINANCE NO. 8285. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.

WHEREAS, **LOURDES LUNA** (the "Applicant") has applied for approval of a detailed site development plan pursuant to a contract condition, to permit the construction and development of a commercial day care; and

WHEREAS, a report was made by the staff to the City Plan Commission and a public hearing was held regarding such application;

WHEREAS, the City Plan Commission has recommended approval of the subject detailed site development plan; and

WHEREAS, the subject detailed site development plan has been submitted to the City Council of the City of El Paso for review and approval;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. Pursuant to a contract condition, the City Council hereby approves the detailed site development plan submitted by the Applicants, to permit the construction and development of a commercial day care on the following described property which is located in a C-1/sc (Commercial/special contract) District:

Portion of Lot 3, Block 3, Boykin Commercial District Unit 4, El Paso, El Paso County, Texas, as more particularly described by metes and bounds in the attached and incorporated Exhibit "A" (Exhibit "A" on file in the City Clerk's Office); and municipally numbered as 131 McClintock Drive.

A copy of the approved detailed site development plan, signed by the Applicants, the Mayor and the Secretary of the City Plan Commission, is attached hereto, as Exhibit "B" and incorporated herein by reference.

2. All construction and development on the property shall be done in accordance with the approved detailed site development plan and the development standards applicable in the **C-1/sc (Commercial/special contract) District** regulations.

3. The Applicant shall sign an agreement to develop the property and to perform all construction thereon in accordance with the approved detailed site development plan and the standards applicable in the **C-1/sc (Commercial/special contract)**. Such agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued.

4. This approval shall be void if construction on the property is not started in accordance with the approved detailed site development plan within four (4) years from the date hereof.

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and noted that the property had zoning contract conditions, to include site plan review. He explained that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) had recommended unanimous approval. He added that there was no opposition to the detailed site development plan Resolution.

The City Clerk called for public comment. There was no public comment.

Motion made by Representative Austin, seconded by Representative Escobar and unanimously carried to approve the above resolution.

.....
RESOLUTION

WHEREAS, the Director for Building Permits and Inspections of the City of El Paso has conducted an investigation and has reported to the City Council in writing that he is of the opinion that the structure located on the property at 1107 Myrtle Avenue, in El Paso, Texas, which property is more particularly described as follows:

Lots: 19 and 20, Block 15, Franklin Heights Addition, an Addition to the City of El Paso, El Paso County, Texas

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Octillio, Octavio, Luis Navarro and Richard Stearns, 1107 Myrtle Avenue, El Paso, Texas 79901, as record Owners, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on April 6th which was postponed until May 4th, 2004; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:

- a. That the structure located on said property is unsafe, substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
- b. That the structure is not in substantial compliance with municipal ordinances regulating structural integrity and disposal of refuse; and
- c. The structure's certificate of occupancy is hereby revoked; and
- d. Since the owners have failed to supply any drawings, plans, or reports to indicate otherwise, we find that the structure cannot be repaired.

2. That the City Council hereby orders Owners to comply with the following requirements:

- a. That the Building be demolished within (30) days; and
 - b. That the junk vehicles be removed within (30) days; and
 - c. That the premises be cleaned of all weeds, trash and debris within (30) days; and
 - d. That the Owners of said Building are hereby ordered to comply with all d requirements of the Resolution; and
 - e. The owners are advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
 - f. That upon failure of the Owners to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to demolish the Building and clean the premises of all weeds, trash, and debris; and
3. That upon failure of the Owners to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections may demolish the Building and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owners of said property; and
4. That said Owners shall become personally liable for all costs incurred by City in connection with the demolition of the Building and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with the demolition of the Building and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30)

days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and

6. That upon failure of the Owners to comply with this Order, one or all of the following actions will be taken:
 - a. The City may perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owners of said property, the cost of which shall be assessed as a lien against the property; and
 - b. That upon failure of the Owners to comply with this order the City Council may assess a civil penalty against the property Owners in an amount not to exceed \$1,000.00 a day for each violation or, if the Owners show that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
 - c. That upon failure of the Owners to comply with this order, the Owners may be confined in jail as permitted by state law; and
7. That upon failure of the Owners, any mortgagees or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owners, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owners and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Thomas Maguire, Building Permits and Inspections, presented the case to Council Members and gave the department's recommendation(s). He answered questions from and responded to comments made by the Council Members.

Ms. Carmen Perez, attorney with Delgado, Acosta, Spencer, Linebarger, Heard & Perez LLP, explained that the property had the over the age of 65 deferral placed on it for many years and that recently the Central Appraisal District had removed that deferral. She answered questions from and responded to comments made by the Council Members.

Mr. Ray Tullius, Opportunity Center for the Homeless representative, stated that the property was a neighborhood nightmare.

The City Clerk called for public comment. There was no public comment.

Motion made by Representative Cook, seconded by Representative Rojas and carried to approve the above Resolution.

AYES: Representatives Austin, Cushing, Cook, Power, Escobar, Rojas and Cobos

NAYS: Representative Lozano

.....
RESOLUTION

WHEREAS, the Director for Building Permits and Inspections of the City of El Paso has conducted an investigation and has reported to the City Council in writing that he is of the opinion that the structures located on the property at 3106 Rivera Avenue, in El Paso, Texas, which property is more particularly described as follows:

Lots: 28 and 29, Block C, Supplemental Map No. 1 of East El Paso, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 1, page 51, Plat Records of El Paso County, Texas

are dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Jose Madriles, 3106 Rivera Avenue, El Paso, Texas 79905, record Owner, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on May 4th, 2004; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:

- a. That the structure located on said property is unsafe, substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
- b. That the structure is not in substantial compliance with municipal ordinances regulating structural integrity and disposal of refuse; and
- c. The structure's certificate of occupancy is hereby revoked; and
- d. Since the owner has failed to supply any drawings, plans, or reports to indicate otherwise, we find that the structure cannot be repaired.

2. That the City Council hereby orders Owner to comply with the following requirements:

- a. That the main structure be vacated and secured until rehabilitated; demolish the enclosed porch at the rear of the main structure, and demolish the accessory buildings within (30) days; and
- b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
- c. That the Owner of said Buildings is hereby ordered to comply with all requirements of the Resolution; and
- d. The owner is advised that in order to obtain a new certificate of occupancy, the entire buildings and its service systems must be brought into compliance with the current codes.
- e. That upon failure of the Owner to comply with this Resolution, any

mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to vacate and secure the main structure until rehabilitated; demolish the enclosed porch at the rear of the main structure, demolish the accessory buildings and clean the premises of all weeds, trash, and debris; and

3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections may vacate and secure the main structure until rehabilitated; demolish the enclosed porch at the rear of the main structure, demolish the accessory buildings and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owner of said property; and
4. That said Owner shall become personally liable for all costs incurred by City in connection with vacating and securing the main structure until rehabilitated; demolishing the enclosed porch at the rear of the main structure, demolishing the accessory buildings and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with vacating and securing the main structure until rehabilitated; demolishing the enclosed porch at the rear of the main structure, demolishing the accessory buildings and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:
 - a. The City may perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and
 - b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed \$1,000.00 a day for each violation or, if the Owner shows that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
 - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and
7. That upon failure of the Owner, any mortgagees or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owner, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the

property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Thomas Maguire, Building Permits and Inspections, presented the case to Council Members and gave the department's recommendation(s). He answered questions from and responded to comments made by the Council Members.

Ms. Carmen Perez, attorney with Delgado, Acosta, Spencer, Linebarger, Heard & Perez LLP, stated that the firm was preparing the property for tax sale in August, 2004.

Ms. Teresa Garcia, Assistant City Attorney, provided options for Council Members to consider regarding the disposition of the property.

The City Clerk called for public comment. There was no public comment.

Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to accept the Department's revised recommendations.
Representatives Austin and Rojas were not present for the vote.

.....
RESOLUTION

WHEREAS, the Director for Building Permits and Inspections of the City of El Paso has conducted an investigation and has reported to the City Council in writing that he is of the opinion that the structure located on the property at 5808 Sun Court Circle Lot 17, in El Paso, Texas, which property is more particularly described as follows:

Lot: 17, Sun Court Mobile Home, Block 1

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Patricia and Douglas Barker, 11100 Childress Avenue, El Paso, Texas 79936, record Owners, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on May 4th, 2004; and

WHEREAS, DOUGLAS BARKER THE OWNER, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
 - a. That the structure located on said property is unsafe, substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
 - b. That the structure is not in substantial compliance with municipal ordinances regulating structural integrity and disposal of refuse; and
 - c. The structure's certificate of occupancy is hereby revoked; and
 - d. Since the owners have failed to supply any drawings, plans, or reports to indicate otherwise, we find that the structure cannot be repaired.

2. That the City Council hereby orders Owners to comply with the following requirements:
 - a. That the mobile home be demolished and removed within (30) days; and
 - b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
 - c. That the Owners of said Building are hereby ordered to comply with all requirements of the Resolution; and
 - d. The owners are advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
 - e. That upon failure of the Owners to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to demolish the mobile home and clean the premises of all weeds, trash, and debris; and
3. That upon failure of the Owners to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections may demolish the mobile home and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owners of said property; and
4. That said Owners shall become personally liable for all costs incurred by City in connection with the demolition and removal of the mobile home and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with the demolition and removal of the mobile home and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owners to comply with this Order, one or all of the following actions will be taken:
 - a. The City may perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owners of said property, the cost of which shall be assessed as a lien against the property; and
 - b. That upon failure of the Owners to comply with this order the City Council may assess a civil penalty against the property Owners in an amount not to exceed \$1,000.00 a day for each violation or, if the Owners show that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
 - c. That upon failure of the Owners to comply with this order, the Owners may be confined in jail as permitted by state law; and
7. That upon failure of the Owners, any mortgagees or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owners, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and

10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owners and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Thomas Maguire, Building Permits and Inspections, presented the case to Council Members and gave the department's recommendation(s).

Mr. Douglas Baker, owner of property and mobile home, answered questions from and responded to comments made by the Council Members.

The City Clerk called for public comment. There was no public comment.

Motion made by Representative Cook, seconded by Representative Cushing and carried to approve the above Resolution.

AYES: Representatives Cushing, Cook, Power, Escobar, Rojas and Cobos
NAYS: Representative Lozano
NOT PRESENT: Representative Austin

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following special events agreement for space in the El Paso Museum of Art. Licensee is requesting permission to serve alcohol in the premises.

Event:	Graduation Reception
Licensee:	El Paso Community College Nursing Program
Date:	May 8, 2004
Time:	6:00 p.m. - 10:00 p.m.
Area(s):	Arts Festival Plaza
Charge for Space:	\$1,000.00
Charge for Staff (est.):	\$ 480.00
Charge for Insurance:	\$ 158.00
Total	\$1,638.00

*Motion made, seconded and unanimously carried to appoint Mike Dipp to the International Bridge Commission by Mayor Joe Wardy.

*Motion made, seconded and unanimously carried to postpone one (1) week the staff briefing on landfill operational and management issues.

*Motion made, seconded and unanimously carried to appoint Iliana Noemi Munoz to the Ethics Review Commission by Representative Jose Alexandro Lozano, District 3.

*Motion made, seconded and unanimously carried to approve the request to fill the following position on a temporary basis in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions:

Neighborhood Initiatives Liaison (1)

*Motion made, seconded and unanimously carried to postpone one (1) week the following executive session item:

Jack Briggs v. City of El Paso, Cause No. 2002-896 (551.071)

Motion made by Representative Cushing, seconded by Representative Power and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 11:08 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following:

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES
Section 551.087	DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

- A. Richard Juarez v. City of El Paso; Cause No.2002-5125 (551.071)
- B. Discussion and Action on Court of Inquiries, Cause Nos. 20040D00188, 20040D00814 and 20040D01407 (551.071)
- C. Subrogation Claim Regarding Mario Velasquez Ornelas (551.071)
- D. Texas Commission on Environmental Quality (TCEQ) Docket No. 2003-0573-AIR-E (551.071)
- ADDN 4.** Eddie E. Bernal vs. El Paso City-County Health and Environmental District, Cause No. 99-1901 (551.071)

Motion made by Representative Cushing, seconded by Representative Power and unanimously carried to adjourn the Executive Session at 11:42 p.m. and reconvene the meeting of the City Council, during which time motions were made.

Representatives Austin, Lozano and Power were not present for the vote.

Motion made by Representative Escobar, seconded by Representative Cook and unanimously carried that the City of El Paso settle the case entitled *Richard Juarez v. City of El Paso*; Cause No. 2002-5125 as recommended by the Office of the City Attorney, and that the Office of the City Attorney is hereby authorized to prepare and execute all necessary documents to release and dismiss all claims against the City of El Paso.

Motion made by Representative Escobar, seconded by Representative Cook and unanimously carried that the Office of the City Attorney be **AUTHORIZED TO RETAIN OUTSIDE COUNSEL TO ASSIST IN ITS REPRESENTATION OF THE CITY OF EL PASO AND THE EL PASO POLICE DEPARTMENT** in connection with the current court of inquiry proceedings designated as **Cause No. 20040D00188; 20040D00814; and 20040D01407**, as recommended by the City Attorney.

Motion made by Representative Escobar, seconded by Representative Cook and unanimously carried that the City Attorney **SHALL NOT BE AUTHORIZED**, at this time, to proceed with the filing of an Application for Writ of Mandamus in connection with the Court of Inquiry proceedings, designated as Cause Nos. 20040D00188, 20040D0814 and 20040D01407.

Motion made by Representative Escobar, seconded by Representative Austin and unanimously carried that the City settle its subrogation interest in the claim of **MARIO VELASQUEZ ORNELAS**, as recommended by the City Attorney.

.....
Motion made by Representative Escobar, seconded by Representative Cushing and unanimously carried that the claim by the Texas Commission on Environmental Quality (TCEQ) against the City of El Paso, TCEQ docket number 2003-0573-AIR-E, be **SETTLED** in its entirety as recommended by the City Attorney; and that the Mayor be authorized to sign, on behalf of the City, any related documentation.

.....
Motion made by Representative Power, seconded by Representative Escobar and unanimously carried to adjourn this meeting at 11:48 p.m.
.....

APPROVED AS TO CONTENT:



Richarda Duffy Momsen, City Clerk